

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

JASON CRUMRINE, Individually and On
Behalf of All Others Similarly Situated,

Plaintiff,

v.

VIVINT SOLAR, INC., DAVID
BYWATER, and DANA RUSSELL,

Defendants.

Case No. 1:19-cv-05777-FB-JO

ZHAOER LI, Individually and On Behalf of
All Others Similarly Situated,

Plaintiff,

v.

VIVINT SOLAR, INC., DAVID
BYWATER, and DANA RUSSELL,

Defendants.

Case No. 2:19-cv-06165-FB-JO

**ORDER GRANTING THE
MOTION OF BILLY WALLACE AND KYU S. JANG
FOR CONSOLIDATION OF ACTIONS, APPOINTMENT AS
LEAD PLAINTIFF, AND APPROVAL OF SELECTION OF COUNSEL**

WHEREAS, in accordance with the provisions of Section 21D(a)(3)(A)(i) of the Securities Exchange Act of 1934 (the “Exchange Act”), on October 11, 2019, notice of the Lead Plaintiff deadline was published on *Business Wire*, a widely circulated national business-oriented wire service, advising Class¹ members of the pendency of the class action, the claims asserted therein, the purported Class Period, and their right to move this Court to be appointed Lead Plaintiff; and

WHEREAS, pursuant to Section 21D of the Exchange Act, any purported Class member desiring to be appointed Lead Plaintiff was required to have filed a motion for such appointment on or before December 10, 2019; and

WHEREAS, movants Billy Wallace and Kyu S. Jang (together, “Movant”) have timely filed a motion for appointment as Lead Plaintiff; and

WHEREAS, Movant has the largest financial interest in the relief sought by the Class and otherwise satisfies the requirements of Section 21D of the Exchange Act and Rule 23 of the Federal Rules of Civil Procedure; and

WHEREAS, in accordance with Section 21D(a)(3)(B)(v) of the Exchange Act, **15 U.S.C. § 78u-4(a)(3)(B)(v)**, Movant seeks approval of their selection of counsel to serve as Lead Counsel for the Class.

AND NOW THIS 27 day of March 2020, the Court having considered Movant’s Motion for Consolidation of Actions, Appointment as Lead Plaintiff, and Approval of Selection of Counsel, and all supporting documents, and good cause appearing therefore, it is hereby ORDERED as follows:

¹ The “Class” is comprised of all persons or entities, other than defendants, who purchased or otherwise acquired Vivint Solar, Inc. securities between March 5, 2019 and September 26, 2019, inclusive (the “Class Period”).

CONSOLIDATION OF RELATED ACTIONS

The above-captioned securities fraud class actions pending in this Judicial District are hereby consolidated for all purposes pursuant to Rule 42(a) of the Federal Rules of Civil Procedure. Any actions that have been filed, or may be filed, which are related and which may be considered herewith, are consolidated under Case No. 1:19-cv-05777-FB-JO (the “Consolidated Action”).

A Master File is hereby established for the consolidated proceedings in the Consolidated Action. The docket number for the Master File shall be Master File No. 1:19-cv-05777-FB-JO.

Every pleading filed in the Consolidated Action shall bear the following caption:

IN RE VIVINT SOLAR, INC. SECURITIES
LITIGATION

Master File No. 1:19-cv-05777-FB-JO

NEWLY FILED OR TRANSFERRED ACTIONS

When a case that arises out of the subject matter of this Consolidated Action is hereinafter filed in this Court or transferred to this Court from another Court, the Clerk of this Court shall make the appropriate entry in the Master File for this Consolidated Action and all counsel to the parties in the action shall promptly register for ECF and file a notice of appearance on the Master File. Thereafter, counsel will be deemed served with all documents and orders filed on the Master File, including this Order. I respectfully request the assistance of counsel in calling to the attention of the Clerk the filing or transfer of any cases that might properly be consolidated with the Consolidated Action. Any party may object to the consolidation of any newly filed or transferred case.

Each new case arising out of the subject matter of this Consolidated Action that is filed in this Court or transferred to this Court shall be consolidated with this Consolidated Action and this Order shall apply thereto, unless a party objecting to this Order or any provision of this Order, within 21 days after the date upon which a copy of this Order is served on counsel for such party,

files an application for relief from this Order or any provision herein and this Court deems it appropriate to grant such application.

LEAD PLAINTIFF APPOINTMENT

The Motion of Billy Wallace and Kyu S. Jang to serve as Lead Plaintiff in the Consolidated Action is GRANTED. Pursuant to Section 21D of the Exchange Act, **15 U.S.C. § 78u-4(a)(3)(B)**, Movant is appointed as Lead Plaintiff for the Class.

LEAD COUNSEL

Pursuant to Section 21D(a)(3)(B)(v) of the Private Securities Litigation Reform Act of 1995, **15 U.S.C. § 78u-4(a)(3)(B)(v)**, Movant has selected and retained the law firm of Bragar Eagel & Squire, P.C. to serve as Lead Counsel in this Consolidated Action. The Court approves Movant's selection of Counsel.

Lead Counsel shall have the following responsibilities and duties, to be carried out either personally or through counsel whom Lead Counsel shall designate:

- a. to coordinate the briefing and argument of any and all motions;
- b. to coordinate the conduct of any and all discovery proceedings;
- c. to coordinate the examination of any and all witnesses in depositions;
- d. to coordinate the selection of counsel to act as spokesperson at all pretrial conferences;
- e. to coordinate all settlement negotiations with counsel for defendants;
- f. to coordinate and direct the pretrial discovery proceedings and the preparation for trial and the trial of this matter, and to delegate work responsibilities to selected counsel as may be required; and
- g. to coordinate the preparation and filings of all pleadings; and to supervise all other matters concerning this litigation.

No settlement negotiations shall be conducted without the approval of Lead Counsel.

Lead Counsel shall have responsibility for receiving and disseminating Court orders and notices.

Lead Counsel shall be the contact between the Class and defendants' counsel and shall serve as the spokespersons for the Class. Lead Counsel shall act as the liaison between the Court and the Class.

IT IS SO ORDERED.

Dated: March 27, 2020

/s/ James Orenstein

The Honorable James Orenstein
United States Magistrate Judge